

BY: NM  
DEPUTY

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**SUSANNA DVORTSIN, As Next  
Friend of Hayam El Gamal, *et al.*,**

**Petitioner,**

**V.**

**KRISTI NOEM, Secretary of U.S. Department of Homeland Security (DHS); TODD LYONS, Acting Director of Immigration and Customs Enforcement (ICE); and JOHN FABBRICATORE, ICE Denver Field Office Director,**

## Respondents.

**NO. SA-25-CV-00664-OLG**

## ORDER

Before the Court is the status of this case. On June 18, the Court extended the TRO previously issued by the transferor court and provided that it would set a hearing thereafter and within the 14-day window. (*See* Dkt. No. 24.) Upon further review of the record, however, it is neither clear that a hearing is necessary nor that the TRO needs to remain in effect.

If the government *is not* proceeding with expedited removal (*see* Dkt. No. 15 at 4, 6), it would appear that the attorney general has unreviewable discretion under 8 U.S.C. § 1226(a) to detain Ms. El Gamal and her children until ordinary removal proceedings have been completed. *See* 8 U.S.C. § 1226(e). In that case, there could be no basis for granting the habeas relief she seeks. *See id.*

If the government *is* proceeding with expedited removal, there is no apparent basis for it to do so. It is undisputed that Ms. El Gamal and her children have been present in the United States for over two years (*see* Dkt. No. 16 at 7; Dkt. No. 15 at 2–4), and nothing in the record indicates that Ms. El Gamal has been convicted of any aggravated felonies.

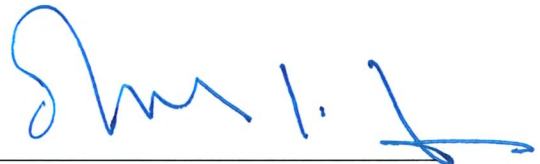
But even if expedited removal proceedings have been invoked, it does not appear that Petitioner has satisfied the personal jurisdiction requirements of the habeas statute, as the party with custody of Ms. El Gamal and her children has not been named in accordance with § 2243. *See* 28 U.S.C. § 2243 (“The writ, or order to show cause, shall be directed to the person having custody of the person detained.”). Although it is unclear who has custody of Ms. El Gamal or her children at this time, it is clear that it is not one of the named respondents.

The parties must therefore submit written advisories—**no later than Wednesday, June 25, 2025**—regarding the following:

- whether Ms. El Gamal and her children are, in fact, being subjected to expedited removal proceedings as represented by the White House (*see* Dkt. No. 16 at 3–4, 7 n.7); and
- if not, whether there is any basis in law for the TRO to remain in effect or if it should be immediately dissolved; and
- whether the Court has jurisdiction to issue a show cause order or enter any further relief based on the current petition.

It is so **ORDERED**.

**SIGNED** this 23rd day of June 2025.



ORLANDO L. GARCIA  
United States District Judge